

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PATRICK CHARLES McKENNA,

Case No. 2:11-cv-00191-JCM-NJK

Petitioner,
v.

**ORDER GRANTING MOTION FOR
WITHDRAWAL OF COUNSEL
(ECF NO. 79)**

WILLIAM GITTERE, *et al.*,

Respondents.

11 This capital habeas corpus action is currently stayed, pending the petitioner's
12 exhaustion of claims in state court. See Order entered May 9, 2012 (ECF No. 37); Order
13 entered July 12, 2012 (ECF No. 42); Order entered March 17, 2014 (ECF No. 54);
14 Order entered March 22, 2017 (ECF No. 71).

15 On November 18, 2019, the petitioner, Patrick Charles McKenna, filed a “Motion
16 for Withdrawal of Counsel” (ECF No. 79). In that motion, McKenna simply seeks to
17 make a substitution of counsel between attorneys at the office of the Federal Public
18 Defender for the District of Arizona (FPD), which has been appointed to represent
19 McKenna. See Order entered July 12, 2012 (ECF No. 42). The Court will grant the
20 motion.

21 For future reference, the Court calls counsel's attention to Local Rule LSR 3-6(b)
22 ("Substitution of Counsel in Habeas Corpus Cases"), which provides:

In cases in which the petitioner is represented by one or more attorneys in a federal public defender's office, substitutions of counsel from one attorney in the federal public defender's office to another attorney in that office need not be made by motion or stipulation, as is otherwise required by LR IA 11-6, but must be made by the filing of a notice of the substitution.

27 LSR 3-6(b). Under that rule, the sort of change in representation of the petitioner made
28 here, within the office of the FPD, does not require a motion; a notice will suffice.

1 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Withdrawal of
2 Counsel (ECF No. 79) is **GRANTED**. The Clerk of the Court is directed to update the
3 docket to make the change in representation described in the motion (Cary Sandman
4 terminated as Petitioner's counsel).

5 **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure
6 25(d), William Gittere is substituted for Timothy Filson as the respondent warden, and
7 Aaron Ford is substituted for Catherine Cortez Masto as the respondent state attorney
8 general. The Clerk of the Court is directed to update the docket for this case to reflect
9 these changes.

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11 DATED December 5, 2019.

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JAMES C. MAHAN,
UNITED STATES DISTRICT JUDGE

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